

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:08-CV-604

Defendants.

1 Plaintiff's objections were not docketed before the original final judgment was entered in this action. Accordingly, the action was reinstated on the court's active docket so Plaintiff's objections could be considered.

prison officials to the conduct that forms the basis of all of the claims asserted. *See Johnson v. Johnson*, 385 F.3d 305, 516-17 (5th Cir. 2004). Further, with respect to any exhausted claim, plaintiff has failed to show the defendants acted with deliberate indifference to his serious medical needs. As the magistrate judge found, the competent summary judgment evidence shows that Plaintiff was examined by medical personnel and provided the treatment deemed necessary in light of their determination.²

O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 31st day of January, 2012.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

²

Complaints and other submissions to the court that are not made under the penalty of perjury are not considered competent summary-judgment evidence. *Nissho-Iwai Am. Corp. v. Kline*, 845 F.2d 1300, 1306 (5th Cir. 1988).